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October 3, 2000

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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***Via Hand Delivery***

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Attention: Allocations Branch

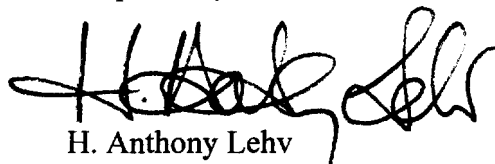
**Re: MM Docket No. 99-195  
RM 9563**

Dear Ms. Salas:

On behalf of Mount Rushmore Broadcasting, Inc. ("MRBI"), I hereby submit an original and four copies of the Comments of MRBI in the above-referenced Rule Making proceeding.

If you should have any questions concerning this matter, please contact the undersigned.

Respectfully submitted,



H. Anthony Lehv

Enclosure

cc: Mr. Jan Charles Gray

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MM Docket No. 99-195  
RM 9563

## COMMENTS

On March 1, 1999, MWB filed a Petition for Rule Making seeking to amend the FM Table of Allotments to allot Channel 293C1 to Wheatland, Wyoming, as that community's second FM station and third local radio broadcast transmission facility. The Allocations Branch

**1**

(the "Branch") issued a Notice of Proposed Rule Making on May 21, 1999,<sup>2/</sup> proposing to allot the channel, with a site restriction of 41 kilometers north to avoid a short-spacing to Channel 292C3, Cheyenne, Wyoming. Mount Rushmore submitted comments and a counterproposal on July 12, 1999, and the FCC issued the Public Notice seeking comments on the counterproposal on September 18, 2000.

As Mount Rushmore explained in its Counterproposal, allotting Channel 293A at Wheatland and Wright, Wyoming, would better serve the public interest than simply allotting Channel 293C1 at Wheatland. Mount Rushmore's counterproposal is to be preferred because it will provide not only a second local FM service to Wheatland -- as proposed by MWB -- but also will provide a third local FM service to Wright, Wyoming. Thus, while both proposals implicate only FM Priority Number 4, other public interest factors,<sup>3/</sup> Mount Rushmore's counterproposal will result in the allotment of Channel 293A to two communities rather than only to one, as proposed by MWB, thus representing a better use of the spectrum.<sup>4/</sup>

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2/ *In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Merville, Iowa, Rockford, Iowa, Wheatland, Wyoming and Bethel Springs, Tennessee*, DA 99-973 (rel. May 21, 1999).

3/ The Commission's allotment priorities are (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. Equal weight is given to priorities (2) and (3). 4 FCC Rcd at. *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870, 4876, fn. 8 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990).

4/ At the time Mount Rushmore filed its counterproposal in this proceeding, Wright had no local transmission allotments. On August 4, 2000, the Commission released a Report and Order, *see Wright and Clearmont, Wyoming*, DA 00-1756 (released Aug. 4, 2000), in which it allotted Channel 268C to Wright and Channel 287A to Wright and Clearmont, Wyoming.

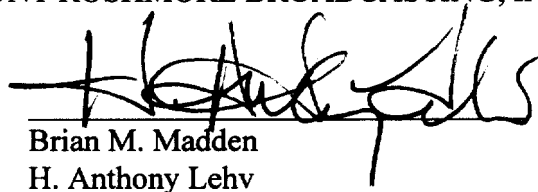
## CONCLUSION

For the foregoing reasons, Mount Rushmore respectfully requests that the Commission allot Channel 293A to both Wheatland and Wright, Wyoming, as set forth in Mount Rushmore's original counterproposal in this proceeding. If the allotment is granted, Mount Rushmore will file a Form 175 in any auction that is ultimately conducted to award the facilities.

Respectfully submitted,

MOUNT RUSHMORE BROADCASTING, INC.

By:



Brian M. Madden  
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202-429-8970

Dated: October 3, 2000

Its Attorneys

## **CERTIFICATE OF SERVICE**

I, Yaiza E. Garabito, do hereby certify that a true copy of the foregoing, Petition for Reconsideration, was mailed by first-class mail, postage prepaid, this 3rd day of October, 2000, to the following:

Victor A. Michael, Jr.  
President  
Mountain West Broadcasting  
6807 Foxglove Drive  
Cheyenne, Wyoming 82009



Yaiza E. Garabito